

**IN THE CIRCUIT COURT OF JACKSON COUNTY  
AT INDEPENDENCE**

**JODY MUMMELTHIE,**

**Plaintiff,**

**v.**

**Case No.:** \_\_\_\_\_

**WALMART, INC.,**

**Serve Resident Agent:**

**C T CORPORATION SYSTEM**

**120 South Central Ave.**

**Clayton, MO 63105**

**Defendant.**

**PETITION FOR DAMAGES**

COMES NOW the Plaintiff Jody Mummelthie, by and through John G. O'Connor, of Robb, Taylor and O'Connor, and for her cause of action against the Defendant Walmart, Inc., does allege and state as follows:

1. The Plaintiff is a resident of Jackson County, Missouri.
2. The Defendant Walmart, Inc. is a Delaware corporation which may be served by serving its resident agent CT Corporation System, 120 South Central Ave., Clayton, MO 63105.
3. The occurrence which is the subject matter of this action took place in the eastern portions of Jackson County, Missouri, and that jurisdiction and venue properly lie with this Court.
4. On June 16, 2016, the Plaintiff was legally present on the premises of the Defendant's retail facility located at 11601 E. U.S. Highway 40, in Kansas City, Missouri, and was in the course of her employment with Crossmark, Inc. when she was caused to trip and fall and suffer injury to her person.

5. The above-referenced occurrence of June 16, 2016, was caused in whole or in part by the negligence of the Defendant Walmart, Inc. and its agents and employees as follows:

- a. The Defendant and its agents and employees created an unsafe and hazardous condition by blocking Plaintiff's access to the equipment necessary for Plaintiff to perform her work for Crossmark, Inc. on Defendant's premises by stacking merchandise around the area where such equipment was stored, and thereby creating a tripping hazard to Plaintiff.

6. As a of the above-referenced occurrence and negligence of the Defendant and its agents and employees, the Plaintiff has been caused to suffer injuries to her left shoulder, left leg and low back, as well as medical expenses in excess of \$35,741.75, lost wages, disabilities, pain, suffering, and mental anguish, all in the past, and is reasonably likely to experience and incur additional such damages in the future.

7. The Plaintiff has been injured and damaged in an amount in excess of \$25,000.00.

WHEREFORE, as a result of the above, the Plaintiff respectfully prays for judgment in her favor and against the Defendant Walmart, Inc., and for her damages in such sum as is fair and reasonable, together with the cost of this action, and for such further and additional relief as the Court deems just and equitable in the premises.

ROBB, TAYLOR & O'CONNOR

s/ John G. O'Connor

John G. O'Connor  
 Attorney for Plaintiff  
 Ks. Sup. Ct. No. 10362  
 Mo. Bar No. 40004  
 827 Armstrong Avenue  
 Kansas City, Kansas 66101  
 Ph: (913) 321-9600  
 Fax: (913) 321-0199

**IN THE CIRCUIT COURT OF JACKSON COUNTY  
AT INDEPENDENCE**

**JODY MUMMELTHIE,**

**Plaintiff,**

**v.**

**Case No.:** \_\_\_\_\_

**WALMART, INC.,**

**Defendant.**

**REQUEST FOR PRODUCTION OF DOCUMENTS  
AND TANGIBLE THINGS DIRECTED TO DEFENDANT WALMART, INC.**

COMES NOW the Plaintiff, pursuant to Rule 58.01, Missouri Rules of Civil Procedure, and requests the Defendant Walmart, Inc. to produce for inspection and copying all documents and tangible things described below by forwarding a copy to the Plaintiff's undersigned attorney within the time required by law. The Plaintiff does not seek any of the following documents which may have been prepared by counsel or at the direction of counsel in anticipation of litigation.

1. Any and all incident reports or accident reports prepared by Defendant's agents or employees and relating to Plaintiff's accidental injury of June 16, 2016.
2. Any and all witness statements prepared or obtained by Defendants or Defendant's employees regarding Plaintiff's accidental injury of June 16, 2016.
3. Any and all surveillance or security videos depicting the Plaintiff or the Plaintiff's accident of June 16, 2016.
4. Any and all photographs or surveillance/security videos depicting the location and configuration of Crossmark equipment on the Defendant's premises on June 16, 2016.

5. Any contracts or agreements between Defendant and Crossmark, Inc. relating to procedures or work activity of Crossmark employees at the Defendant's premises.

6. All contracts or agreements between Defendant and Crossmark, Inc. relating to the placement or storage of Crossmark equipment at the Defendant's business premises.

7. Any and all letters, memorandum, emails or other written or electronically recorded documents relating in any way to Plaintiff's accident or Plaintiff's work activities at Defendant's business premises.

Plaintiff further requests said production occur at any reasonable time and place agreed upon by all parties no later than the time provided by law.

ROBB, TAYLOR & O'CONNOR

s/ John G. O'Connor

John G. O'Connor  
Attorney for Plaintiff  
Ks. Sup. Ct. No. 10362  
Mo. Bar No. 40004  
827 Armstrong Avenue  
Kansas City, Kansas 66101  
Ph: (913) 321-9600  
Fax: (913) 321-0199

**ROBB, TAYLOR & O'CONNOR**  
**ATTORNEYS AT LAW**

John G. O'Connor\*  
Donald T. Taylor\*  
Partners

827 Armstrong Avenue, Suite 300  
Kansas City, Kansas 66101  
(913) 321-9600  
FAX: (913) 321-0199  
\*Admitted in Kansas and Missouri

Dianna K. Robb  
Of Counsel

January 31, 2020

Clerk of the Circuit Court  
Independence County Courthouse  
308 West Kansas  
Independence, MO 64050

Re: Jody Mummelthie v. Walmart, Inc.

Dear Staff:

Please be advised that the petition has been e-filed regarding the above-captioned matter.

**Please prepare a summons directing the Sheriff of St. Louis County, Attn: Civil Process, 105 South Central Avenue, Clayton, MO 63105, to serve a file-stamped copy of the petition, summonses, request for production and notice of case management conference upon the Defendant Walmart, Inc., by serving its resident agent CT Corporation System, 120 South Central Ave., Clayton, Missouri 63105.**

I will then printout the appropriate paperwork and forward to same to the Sheriff of St. Louis County with payment of the service fee. Thank you for your assistance.

Sincerely,

ROBB, TAYLOR & O'CONNOR

By s/John G. O'Connor  
John G. O'Connor

JOC/tb



# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI


Judge or Division: KENNETH R GARRETT III	Case Number: 2016-CV03801
Plaintiff/Petitioner: JODY * MUMMELTHIE	Plaintiff's/Petitioner's Attorney/Address JOHN G O'CONNER ROBB, TAYLOR & O'CONNOR 827 ARMSTRONG AVENUE KANSAS CITY, KS 66101-2604
Defendant/Respondent: WALMART, INC.	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

## Summons in Civil Case

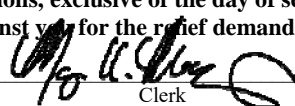
**The State of Missouri to: WALMART, INC.**  
Alias:

**SERVE: CT CORP. SYSTEMS**  
120 S. CENTRAL AVE.  
CLAYTON, MO 63105

**COURT SEAL OF**  
  
**JACKSON COUNTY**

**You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.**

04-FEB-2020  
Date

  
Clerk

Further Information:

### Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
- ☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

### Sheriff's Fees

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$. \_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

**JODY \* MUMMELTHIE,**

**PLAINTIFF(S),**

**VS.**

**CASE NO. 2016-CV03801  
DIVISION 2**

**WALMART, INC.,**

**DEFENDANT(S).**

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE  
AND ORDER FOR MEDIATION**

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NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **KENNETH R GARRETT III** on **01-JUN-2020** in **DIVISION 2** at **08:30 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16<sup>th</sup> Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16<sup>th</sup> Judicial Circuit web site at [www.16thcircuit.org](http://www.16thcircuit.org) after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.



### **MEDIATION**

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

### **POLICIES/PROCEDURES**

Please refer to the Court's web page [www.16thcircuit.org](http://www.16thcircuit.org) for division policies and procedural information listed by each judge.

**/S/ KENNETH R GARRETT III**

**KENNETH R GARRETT III, Circuit Judge**

### **Certificate of Service**

This is to certify that a copy of the foregoing was electronic noticed, faxed, emailed and/or mailed or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

#### **Attorney for Plaintiff(s):**

JOHN G O'CONNER, ROBB, TAYLOR & O'CONNOR, 827 ARMSTRONG AVENUE,  
KANSAS CITY, KS 66101-2604

#### **Defendant(s):**

WALMART, INC.

Dated: 04-FEB-2020

MARY A. MARQUEZ  
Court Administrator



# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Refund SB 4/5

Judge or Division: KENNETH R GARRETT III	Case Number: 2016-CV03801
Plaintiff/Petitioner: JODY * MUMMELTHIE	Plaintiff's/Petitioner's Attorney/Address JOHN G O'CONNER ROBB, TAYLOR & O'CONNOR 827 ARMSTRONG AVENUE KANSAS CITY, KS 66101-2604
Defendant/Respondent: WALMART, INC.	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	

40004

(Date File Stamp)

## Summons in Civil Case

**The State of Missouri to:** WALMART, INC.  
Alias:  
SERVE: CT CORP. SYSTEMS  
120 S. CENTRAL AVE.  
CLAYTON, MO 63105

**COURT SEAL OF**  
  
**JACKSON COUNTY**

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04-FEB-2020  
Date

[Signature]  
Clerk

Further Information:

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- ☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

**LCW - A. BRANDON**

(name) **INTAKE SPECIALIST** (title).

☐ other

**CT CORPORATION**

Served at **St. Louis County** (County/City of St. Louis), MO, on **MAR 13 2020** (date) at **9 AM** (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on (date).

My commission expires: Date

Notary Public

## Sheriff's Fees

Summons \$  
Non Est \$  
Sheriff's Deputy Salary  
Supplemental Surcharge \$ 10.00  
Mileage \$ ( miles @ \$. per mile)  
Total \$

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

MAR 06 2020

2020 MAR -6 PM 2:08  
ST. LOUIS COUNTY  
SHERIFF'S OFFICE  
RECEIVED

3/11/20

20-SMCC-2252



Based on the Supreme Court Rules governing eFiling, an eService email has been issued to the following parties:

SERVICE PARTY: JOHN G O'CONNER, Attorney for Plaintiff  
SERVICE EMAIL: jack\_oconnor2000@yahoo.com





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Refund SB 4/5

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☐ other

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SERVICE PARTY: JOHN G O'CONNER, Attorney for Plaintiff  
SERVICE EMAIL: jack\_oconnor2000@yahoo.com